

13281 U.S. PTO  
07/25/03

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 38-21(15878)D

First Inventor Scott E. Andersen

Title Nucleic Acid Molecules and Other Molecules  
Associated with Plants

Express Mail Label No.

19249 U.S. PTO  
10/26/17

07/25/03

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 79]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C.113) [Total Sheets ☐]
5. Oath or Declaration [Total Pages ☐]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☒ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☒ Statement verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 10 / 304,123

Prior application information:

Examiner To Be Assigned

Group / Art Unit: 1634

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

28381

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Lawrence M. Lavin, Jr. by Holly Logue Prutz

Registration No. (Attorney/Agent)

30,768/47,755

Signature

Lawrence M. Lavin, Jr. by Holly Logue Prutz

Date

July 25, 2003

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# ARNOLD & PORTER

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555 Twelfth Street, NW  
Washington, DC 20004-1206

July 25, 2003

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Continuation Application based on U.S. Application  
No. 10/304,123 filed November 26, 2002  
Appln. No.: To Be Assigned  
Filed: Herewith  
For: Nucleic Acid Molecules and Other Molecules Associated with  
Plants  
Applicants: Scott E. Andersen *et al.*  
Atty Docket: 38-21(15878)D

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office (PTO):

1. Utility Patent Application Transmittal (PTO/SB/05);
2. U.S. Continuation Application entitled:

**Nucleic Acid Molecules and Other Molecules Associated with Plants**

and naming as inventors:

**Scott E. Andersen, Joseph R. Byrum, and Robert C. De La Pena;**

the application consisting of:

- a. a specification containing:
  - (i). 77 pages of a description prior to the claims;
  - (ii). 1 page of claims (8 claims);
  - (iii). a one (1) page abstract;
  - (iv). two copies on CD-R of the sequence listing, labelled "Copy 1" and

"Copy 2";

3. a sequence listing in Computer Readable Form (CRF), on CD-ROM;

4. a Statement Regarding Sequence Submission;
5. a copy of the Declaration and Power of Attorney executed by Scott E. Andersen filed in parent application serial no. 09/594,596;
6. a copy of the Declaration and Power of Attorney executed by Joseph R. Byrum filed in parent application serial no. 09/594,596;
7. a copy of the Declaration and Power of Attorney executed by Robert C. De La Pena filed in parent application serial no. 09/594,596;
8. an Appointment of Associate Attorneys;
9. a Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i);
10. an Information Disclosure Statement;
11. Form PTO-1449 and 8 accompanying references; and
12. two (2) return postcards.

This application is a continuation of U.S. Application No. 10/304,123 filed November 26, 2002, which is a continuation of U.S. Application No. 09/594,596 filed June 15, 2000.

Submitted herewith is a sequence listing in Computer Readable Form (CRF), on CD-ROM.

The sequence listing in Computer Readable Form (CRF) contains one file called "pa\_00293.txt" which is 6,736,203 bytes in size (measured in MS-DOS) and was recorded on July 25, 2003.

Please stamp one of the two attached postcards with the filing date of these documents and return it to our courier, and stamp the other prepaid postcard with the filing date and unofficial application number and return it as soon as possible.

Applicants request that the following fee be charged to Deposit Account No. 50-2387 referencing docket number 16517.001/15878D:

\$ 750.00      application filing fee

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the above fee (\$750), are due in conjunction with this filing. However, if any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.001/15878D. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)  
Holly L. Prutz (Reg. Attorney No. 47,755)

Enclosures

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Scott E. Andersen

Title

Nucleic Acid Molecules and Other  
Molecules Associated with Plants

Attorney Docket Number

38-21 (15878)D

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 25, 2003

Date

*Lawrence M. Lavin, Jr.*  
by Holly Logue Prutz <sup>Signature</sup>

(314) 694-3602

Telephone number

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

by David R. Marsh. (Reg. No. 41,408)

Holly Logue Prutz (Reg. No. 47,755)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.